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"(D) Nothing in this paragraph shall be construed as applying in any manner in the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States differently than it would apply if the District of Columbia, the Commonwealth of Puerto Rico, or the possession were in fact a State of the United States;

"(3) for any person other than a licensed importer, licensed manufacturer, or licensed dealer to transport into or receive in the State where he resides (or if the person is a corporation or other business entity, in which he maintains a place of business)—

"(A) any firearm, other than a shotgun or rifle, purchased or otherwise obtained by him outside that State;

"(B) any firearm, purchased or otherwise obtained by him outside that State, which it would be unlawful for him to purchase or possess in the State or political subdivision thereof wherein he resides (or if the person is a corporation or other business entity, in which he maintains a place of business).

"(4) for any person, other than a licensed importer, licensed manufacturer, or licensed dealer, to transport in interstate or foreign commerce any destructive device, machine gun (as defined in section 5848 of the Internal Revenue Code of 1954), short-barreled shotgun, or short-barreled rifle, except as specifically authorized by the Secretary;

"(5) for any person to transfer, sell, trade, give, transport, or deliver to any person (other than a licensed importer, licensed manufacturer, or licensed dealer) who resides in any State other than that in which the transferor resides (or in which his place of business is located if the transferor is a corporation or other business entity)—

"(A) any firearm, other than a shotgun or rifle;

"(B) any firearm which the transferee could not lawfully purchase or possess in accord with applicable laws, regulations, or ordinances of the State or political subdivision thereof in which the transferee resides (or in which his place of business is located if the transferee is a corporation or other business entity).

This paragraph shall not apply to transactions between licensed importers, licensed manufacturers, and licensed dealers; or

"(5) for any person in connection with the acquisition or attempted acquisition of any firearm from a licensed importer, licensed manufacturer, or licensed dealer, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false or fictitious or misrepresented identification, intended or likely to deceive such importer, manufacturer, or dealer with respect to any fact material to the lawfulness of the sale or other disposition of such firearm under the provisions of this chapter.

"(b) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell or deliver—

"(1) any firearm to any individual who the licensee knows or has reasonable cause to believe is less than twenty-one years of age, if the firearm is other than a shotgun or rifle; or to any individual who the licensee knows or has reasonable cause to believe is less than eighteen years of age, if the firearm is a shotgun or rifle;

"(2) any firearm to any person who the licensee knows or has reasonable cause to believe is not lawfully entitled to receive or possess such firearm by reason of any State or local law, regulation, or ordinance applicable at the place of sale, delivery, or other disposition of the firearm;

"(3) any firearm to any person who the licensee knows or has reasonable cause to believe does not reside in (or if the person is a corporation or other business entity, does not maintain a place of business in) the State in which the licensee's place of business is located; except that this paragraph

shall not apply in the case of a shotgun or rifle.

"(4) to any person any destructive device, machinegun (as defined in section 5846 of the Internal Revenue Code of 1954), short-barreled shotgun, or short-barreled rifle, unless he has in his possession a sworn statement executed by the principal law enforcement officer of the locality wherein the purchaser or person to whom it is otherwise disposed of resides, attesting that there is no provision of law, regulation, or ordinance which would be violated by such person's receipt or possession thereof, and that he is satisfied that it is intended by such person for lawful purposes; and such sworn statement shall be retained by the licensee as a part of the records required to be kept under the provisions of this chapter.

"(5) any firearm to any person unless the licensee notes in his records required to be kept pursuant to section 923 of this chapter, the name, age, and place of residence of such person if the person is an individual, or the identity and principal and local places of business of such person if the person is a corporation or other business entity.

Paragraphs (1), (2), (3) and (4) of this subsection shall not apply to transactions between licensed importers, licensed manufacturers, and licensed dealers.

"(c) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell or otherwise dispose of any firearm or ammunition to any person, knowing or having reasonable cause to believe that such person is a fugitive from justice or is under indictment or has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year. This subsection shall not apply with respect to sale or disposition of a firearm to a licensed importer, licensed manufacturer, or licensed dealer who pursuant to subsection (b) of section 925 of this chapter is not precluded from dealing in firearms, or to a person who has been granted relief from disabilities pursuant to subsection (c) of section 925 of this chapter.

"(d) It shall be unlawful for any common or contract carrier to transport or deliver in interstate or foreign commerce any firearm with knowledge or reasonable cause to believe that the shipment, transportation, or receipt thereof would be in violation of the provisions of this chapter.

"(e) It shall be unlawful for any person who is under indictment or who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, or who is a fugitive from justice, to ship or transport any firearm or ammunition in interstate or foreign commerce.

"(f) It shall be unlawful for any person who is under indictment or who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, or is a fugitive from justice, to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

"(g) It shall be unlawful for any person to transport or ship in interstate or foreign commerce, any stolen firearm or stolen ammunition, knowing or having reasonable cause to believe the same to have been stolen.

"(h) It shall be unlawful for any person to receive, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a loan any stolen firearm or stolen ammunition, moving as or which is a part of or which constitutes interstate or foreign commerce, knowing or having reasonable cause to believe the same to have been stolen.

"(i) It shall be unlawful for any person knowingly to transport, ship, or receive, in interstate or foreign commerce, any firearm the importer's or manufacturer's serial number of which has been removed, obliterated, or altered.

"(j) It shall be unlawful for any person knowingly to import or bring into the United States or any possession thereof any firearm or ammunition, except as provided in subsection (d) of section 925 of this chapter; and it shall be unlawful for any person knowingly to receive any firearm or ammunition which has been imported or brought into the United States or any possession thereof in violation of the provisions of this chapter.

"(k) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer knowingly to make any false entry in, or to fail to make appropriate entry in or fail to properly maintain, any record which he is required to keep pursuant to section 923 of this chapter or regulations promulgated thereunder.

#### " § 923. Licensing

"(a) No person shall engage in business as a firearms or ammunition importer, manufacturer, or dealer until he has filed an application with, and received a license to do so from, the Secretary. The application shall be in such form and contain such information as the Secretary shall by regulation prescribe. Each applicant shall be required to pay a fee for obtaining such a license, a separate fee being required for each place in which the applicant is to do business, as follows:

"(1) If a manufacturer—

"(A) of destructive devices and/or ammunition a fee of \$1,000 per year;

"(B) of firearms other than destructive devices a fee of \$500 per year.

"(2) If an importer—

"(A) of destructive devices and/or ammunition a fee of \$1,000 per year;

"(B) of firearms other than destructive devices a fee of \$500 per year.

"(3) If a dealer—

"(A) in destructive devices and/or ammunition a fee of \$1,000 per year;

"(B) who is a pawnbroker dealing in firearms other than destructive devices a fee of \$250 per year;

"(C) who is not a dealer in destructive devices or a pawnbroker, a fee of \$10 per year; except that for the first renewal following the effective date of the State Firearms Control Assistance Act of 1967 or for the first year he is engaged in business as a dealer such dealer will pay a fee of \$25.

"(b) Upon the filing of a proper application and payment of the prescribed fee, the Secretary may issue to the applicant the appropriate license which, subject to the provisions of this chapter and other applicable provision of law, shall entitle the licensee to transport, ship, and receive firearms and ammunition covered by such license in interstate or foreign commerce during the period stated in the license.

"(c) Any application submitted under subsections (a) and (b) of this section shall be disapproved and the license denied and the fee returned to the applicant if the Secretary, after notice and opportunity for hearing, finds that—

"(1) the applicant is under twenty-one years of age; or

"(2) the applicant (including in the case of a corporation, partnership, or association, any individual possessing directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under the provisions of this chapter; or is, by reason of his business experience, financial standing, or trade connections, not likely to commence business operations during the term of the annual license applied for or to maintain operations in compliance with this chapter; or

"(3) the applicant has wilfully violated any of the provisions of this chapter or regulations issued thereunder; or

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"(4) the applicant has willfully failed to disclose any material information required, or has made any false statement as to any material fact, in connection with his application; or

"(5) the applicant does not have, or does not intend to have or to maintain, in a State or possession, business premises for the conduct of the business.

"(d) Each licensed importer, licensed manufacturer, and licensed dealer shall maintain such records of importation, production, shipment, receipt, and sale or other disposition, of firearms and ammunition at such place, for such period and in such form as the Secretary may by regulations prescribe. Such importers, manufacturers, and dealers shall make such records available for inspection at all reasonable times, and shall submit to the Secretary such reports and information with respect to such records and the contents thereof as he shall by regulations prescribe. The Secretary or his delegate may enter during business hours the premises (including places of storage) of any firearms or ammunition importer, manufacturer, or dealer for the purpose of inspecting or examining any records or documents required to be kept by such importer or manufacturer or dealer under the provisions of this chapter or regulations issued pursuant thereto, and any firearms or ammunition kept or stored by such importer, manufacturer, or dealer at such premises. Upon the request of any State, or possession, or any political subdivision thereof, the Secretary of the Treasury may make available to such State, or possession, or any political subdivision thereof, any information which he may obtain by reason of the provisions of this chapter with respect to the identification of persons within such State, or possession, or political subdivision thereof, who have purchased or received firearms or ammunition, together with a description of such firearms or ammunition.

"(e) Licenses issued under the provisions of subsection (b) of this section shall be kept posted and kept available for inspection on the business premises covered by the license.

"(f) Licensed importers and licensed manufacturers shall identify, in such manner as the Secretary shall by regulations prescribe, each firearm imported or manufactured by such importer or manufacturer.

## "§ 924. Penalties

"(a) Whoever violates any provision of this chapter or any rule or regulation promulgated thereunder, or knowingly makes any false statement or representation with respect to the information required by the provisions of this chapter to be kept in the records of a person licensed under this chapter, or in applying for any license or exemption or relief from disability under the provisions of this chapter, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

"(b) Whoever, with intent to commit therewith an offense punishable by imprisonment for a term exceeding one year, or with knowledge or reasonable cause to believe that an offense punishable by imprisonment for a term exceeding one year is to be committed therewith, ships transports, or receives a firearm in interstate or foreign commerce, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

"(c) Any firearm or ammunition involved in, or used or intended to be used in, any violation of the provisions of this chapter, or a rule or regulation promulgated thereunder, or violation of any other criminal law of the United States, shall be subject to seizure and forfeiture and all provisions of the Internal Revenue Code of 1954 relat-

ing to the seizure, forfeiture, and disposition of firearms, as defined in section 5848(1) of said Code, shall, so far as applicable, extend to seizures and forfeitures under the provisions of this chapter.

## "§ 925. Exceptions: Relief from disabilities

"(a) The provisions of this chapter shall not apply with respect to the transportation, shipment, receipt, or importation of any firearm or ammunition imported for, or sold or shipped to, or issued for the use of the United States or any department, or agency thereof; or any State or possession, or any department, agency, or political subdivision thereof.

"(b) A licensed importer, licensed manufacturer, or licensed dealer who is indicted for a crime punishable by imprisonment for a term exceeding one year, may, notwithstanding any other provisions of this chapter, continue operations pursuant to his existing license (provided that prior to the expiration of the term of the existing license timely application is made for a new license) during the term of such indictment and until any conviction pursuant to the indictment becomes final.

"(c) A person who has been convicted of a crime punishable by imprisonment for a term exceeding one year (other than a crime involving the use of a firearm or other weapon or a violation of this chapter or of the National Firearms Act) may make application to the Secretary for relief from the disabilities under this chapter incurred by reason of such conviction, and the Secretary may grant such relief if it is established to his satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to conduct his operations in an unlawful manner, and that the granting of the relief would not be contrary to the public interest. A licensee conducting operations under this chapter, who makes application for relief from the disabilities incurred under this chapter by reason of such a conviction, shall not be barred by such conviction from further operations under his license pending final action on an application for relief filed pursuant to this section. Whenever the Secretary grants relief to any person pursuant to this section, he shall promptly publish in the Federal Register notice of such action, together with the reasons therefor.

"(d) The Secretary may authorize a firearm to be imported or brought into the United States or any possession thereof if the person importing or bringing in the firearm establishes to the satisfaction of the Secretary that the firearm

"(1) is being imported or brought in for scientific or research purposes, or is for use in connection with competition or training pursuant to chapter 401 of title 10 of the United States Code; or

"(2) is an unserviceable firearm, other than a machine gun as defined by 5848(2) of the Internal Revenue Code of 1954 (not readily restorable to firing condition), imported or brought in as a curio or museum piece; or

"(3) is of a type that does not fall within the definition of a firearm as defined in section 5848(1) of the Internal Revenue Code of 1954 and is generally recognized as particularly suitable for or readily adaptable to sporting purposes, and in the case of surplus military firearms is a rifle or shotgun; or

"(4) was previously taken out of the United States or a possession by the person who is bringing in the firearm.

Provided, That the Secretary may permit the conditional importation or bringing in of a firearm for examination and testing in connection with the making of a determination as to whether the importation or bringing

in of such firearm will be allowed under this subsection.

## "§ 926. Rules and regulations

"The Secretary may prescribe such rules and regulations as he deems reasonably necessary to carry out the provisions of this chapter. The Secretary shall give reasonable public notice, and afford to interested parties opportunity for hearing, prior to prescribing such rules and regulations.

## "§ 927. Effect on State law

"No provision of this chapter shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of any State or possession on the same subject matter, unless there is a direct and positive conflict between such provision and the law of the State or possession so that the two cannot be reconciled or consistently stand together.

## "§ 928. Separability

"If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby."

"SEC. 504. The administration and enforcement of this Act shall be vested in the Secretary of the Treasury.

"SEC. 6(5). Nothing in this title shall be construed as modifying or affecting any provision of—

"(a) the National Firearms Act (chapter 53 of the Internal Revenue Code of 1954); or

"(b) section 414 of the Mutual Security Act of 1964 (22 U.S.C. 1934), as amended, relating to munitions control; or

"(c) section 1715 of title 18, United States Code, relating to nonmailable firearms.

"SEC. 6(6). The table of contents to 'Part I—Crimes' of title 18, United States Code, is amended by inserting after

"43. False personation 911  
a new chapter reference as follows:

"44. Firearms 921"

"SEC. 6(7). The Federal Firearms Act (52 Stat. 1250; 15 U.S.C. 901-910), as amended, is repealed."

"SEC. 6(8). The amendments made by this title shall become effective one hundred and eighty days after the date of its enactment; except that repeal of the Federal Firearms Act shall not in itself terminate any valid license issued pursuant to that Act and any such license shall be deemed valid until it shall expire according to its terms unless it be sooner revoked or terminated pursuant to applicable provisions of law."

## JOINT COMMITTEE ON ATOMIC ENERGY REPORTS ON IMPACT OF CHINESE COMMUNIST NUCLEAR WEAPONS PROGRESS ON U.S. NATIONAL SECURITY

(Mr. HOSMER (at the request of Mr. RAILSFORD) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HOSMER. Mr. Speaker, although the Joint Committee on Atomic Energy's report today on Chinese Communist nuclear weapons progress is in printed form, it will be somewhat cumbersome for the general public to obtain actual copies. The report is reasonably short and I have obtained unanimous consent that its text be reproduced below:

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## IMPACT OF CHINESE COMMUNIST NUCLEAR WEAPONS PROGRESS ON U.S. NATIONAL SECURITY

## INTRODUCTION

The Joint Committee on Atomic Energy is charged under the Atomic Energy Act of 1954 with making continuing studies of problems relating to the development, use and control of atomic energy. In recognition of the important responsibility assigned to the Joint Committee, the Atomic Energy Act of 1954 imposes upon the Atomic Energy Commission and the Department of Defense a mandatory obligation to "keep the Joint Committee fully and currently informed" on atomic energy matters. All other Government agencies are required by law to furnish any information requested by the Joint Committee with respect to the activities or responsibilities of that agency in the field of atomic energy.

One of the crucial matters affecting U.S. national security is the development by foreign nations of nuclear weapons and the accompanying delivery systems. The present nuclear threat to the United States and the free world comes from the Soviet Union and Communist China. In order properly to understand the scope and magnitude of this threat, the Joint Committee has over the years held executive hearings at which nuclear weapons experts have charted the progress of foreign nations as they developed and refined their nuclear arsenals.

The emergence of a serious threat from the Chinese Communists began in 1964. In a brief span of less than 3 years, Red China has had six nuclear tests. The last one on June 17, 1967, was in the megaton range and indicated that they were making rapid progress in thermonuclear design. They are also making progress in the development of delivery vehicles for megaton weapons. The internal strife in Red China appears to have had little, if any, effect on their nuclear weapons program to date.

The trends in nuclear weapons development by foreign nations have been followed closely by the Joint Committee. These trends have been borne out by subsequent events. Progress, particularly by Red China, has been more rapid and surprisingly more effective than had been expected or indeed predicted.

The nuclear and thermonuclear capabilities of the Soviet Union are generally well known and understood by the American public. The Joint Committee's intention in this report is to bring into perspective the accomplishments and possible future trends in the development of Red China's nuclear offensive force.

## BACKGROUND

As the nuclear threat posed by the Chinese Communists became more pronounced, Chairman Pastore decided to conduct a special inquiry regarding Chinese Communist nuclear weapons development. This probe began on January 11, 1967, and was formally announced at the Joint Committee's first public hearing of the 90th Congress on January 25, 1967.

In connection with this study the Joint Committee received the following testimony in executive session: January 11, 1967: Richard Helms, Director of the Central Intelligence Agency. February 1, 1967: Dr. Norris Bradbury, Director, Los Alamos Scientific Laboratory, and Dr. Michael May, Director, Livermore Radiation Laboratory. Mar. 13, 1967: Secretary of State Dean Rusk. July 13, 1967: Representatives of the Department of Defense, CIA, and AEC.

These witnesses presented testimony concerning advances being made by Communist China in developing nuclear weapons as well as their progress in developing the capability to deliver these weapons against neighboring countries or the United States.

Detailed technical presentations were heard concerning each individual Chinese Commu-

nist nuclear test and an assessment was made of future developments by Red China in the field of nuclear weapons and associated delivery systems.

An analysis of the impact of the emergence of Red China as a nuclear power on U.S. foreign policy with particular emphasis on the proposed nonproliferation treaty was also presented.

Information concerning French and Soviet nuclear weapons and delivery methods were also discussed but principal emphasis was on Red China.

## CONCLUSIONS

On the basis of various hearings we have had and studies made by the Joint Committee, the following committee conclusions have been developed:

## 1. Chinese nuclear weapons capabilities

The Chinese Communist test of June 17, 1967, at the Lop Nor Nuclear Test Site was her sixth nuclear test in the atmosphere and her first in the megaton range. Such a test was expected because of the success of the preceding thermo-nuclear experiment conducted on December 28, 1966. The Chinese purposely may have limited the yield of that test—their fifth test—to keep the fallout in China at an acceptable level. The fifth test indicated that the Chinese had taken a major step toward a thermonuclear weapon.

There is evidence that the sixth test device—with a yield of a few megatons—was dropped from an aircraft.

Analysis of the debris indicates use of  $U^{235}$ ,  $U^{238}$ , and thermo-nuclear material. As in the other tests, there is no evidence that plutonium was used. The preliminary indication is that a considerable improvement accompanied the increase in yield. A large amount of  $U^{238}$  was used in the device.

The sixth Chinese nuclear test has confirmed the conclusion reached from the analysis of the fifth Chinese nuclear test that they are making excellent progress in thermonuclear design. They now have the capability to design a multimegaton thermo-nuclear device suitable for delivery by aircraft.

We believe that the Chinese will continue to place a high priority on thermonuclear weapon development. With continued testing we believe they will be able to develop a thermonuclear warhead in the ICBM weight class with a yield in the megaton range by about 1970. We believe that the Chinese can have an ICBM system ready for deployment in the early 1970's. On the basis of our present knowledge, we believe that the Chinese probably will achieve an operational ICBM capability before 1972. Conceivably, it could be ready as early as 1970-1971. But this would be a tight schedule and makes allowance for only minor difficulties and delays. We believe that the Chinese have already completed the development of a medium range ballistic missile. We have no indication of any deployment.

We also believe that by about 1970 the Chinese Communists could develop a thermo-nuclear warhead with a yield in the few hundreds of kilotons in the MRBM class and that they could develop an MRBM warhead with a megaton yield about a couple of years later. Meanwhile, should they desire a thermonuclear bomb for delivery by bomber, they could probably begin weaponizing the design employed in the sixth test.

The missile-delivered fourth Chinese test demonstrated that the Chinese now have the capability to design a low yield fission warhead compatible in size and weight with a missile. With a few tests, the Chinese could probably design an improved fission weapon for MRBM or bomber delivery. However, they may forego extensive fission weapon production in order to have materials and facilities available for thermonuclear weapon systems.

The Chinese bomber forces consist of a few hundred short-range jet bombers and a hand-

ful of somewhat longer range bombers. We have no knowledge of a Chinese plan to develop heavy Intercontinental range bombers.

Earlier, the Communist Chinese conducted four other nuclear detonations: October 16, 1964: Low yield (up to 20 kilotons). May 13, 1965: Low intermediate (20 to 200 kilotons). May 9, 1966: Intermediate (lower end of 200 to 1,000 kiloton range). October 27, 1966: Low intermediate (20 to 200 kilotons).

The Chinese were able to continue their nuclear program after the Soviets apparently ceased technical assistance in this area by 1960, and detonated a uranium device in October 1964.

All of the Chinese detonations have utilized enriched uranium ( $U^{235}$ ) as the primary fissionable material. Uranium-238 was also present in all tests. The detonation of any device which also contains  $U^{238}$  results in some fissioning of the  $U^{238}$ . The debris from their third and fifth tests indicated some thermonuclear reactions had involved lithium-6 in those devices.

We believe that the Chinese are interested in the development of submarines equipped with suitable relatively long-range missiles; at this time we have not determined the exact nature or status of the program.

## 2. French nuclear test program

Turning to the French nuclear test program, in February 1960 the French tested their first atomic device. In 1966 the French conducted five nuclear tests. In 1967 they held a short series of three tests. Another series of tests is planned for next summer. All of the 1966 tests were plutonium fission devices. The last two tests in 1966 were experiments aimed at the thermonuclear development.

The year's tests were conducted on June 5, June 27, and July 2. They were suspended by balloons, above the Mururoa Lagoon. The tests all had low yields. The French announced that all of the tests were to be triggers for thermonuclear devices which the French still have not tested.

Although French officials continue to state publicly that France will detonate her first thermonuclear device in 1968 when enriched uranium becomes available, there have been hints in the press that France is having difficulties with its program. Should this be true, the first generation of both the land-based and submarine-launched missile systems might have to use warheads developed in the 1966 series.

To recapitulate, the Chinese are well ahead of the French in thermonuclear weapon design. In 2½ years and six tests the Chinese have successfully tested a multimegaton thermonuclear device. The French, on the other hand, have conducted many more tests over a 7-year period and have not yet tested a true thermonuclear device or achieved a megaton size yield.

The French have developed higher yield fission weapons than the Chinese. The French have achieved yields of up to 250 kilotons while the Chinese fission devices have had lower yields.

The French now have an operational strategic force of about 60 Mirage IV aircraft with a stockpile of 60 to 70 KT nuclear weapons. At this time the Chinese do not have such an operational strategic force.

## SUMMARY

The Joint Committee believes that the American public needs to know the threat that is posed by Red China. Communist China has emerged with a fledgling, but effective, nuclear weapons capability. This capability has and will continue to have a great effect on U.S. foreign policy in the Far East. It will have an effect on our relations with the South East Asia Treaty Organization. It will have an effect on the nonproliferation treaty principally because of the close connection between Chinese nuclear power and the national security of India.

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Its effect will also be felt by Japan. Moreover, the Chinese Communists could use nuclear blackmail to assert their position not only broadly in Asia, but specifically in Southeast Asia.

Perhaps most significant for the United States is the fact that a low order of magnitude attack could possibly be launched by the Chinese Communists against the United States by the early 1970's. At present we do not have an effective anti-ballistic-missile system which could repel such a suicidal (for the Chinese) but nevertheless possible strike.

It is for these reasons that the Joint Committee feels the assessment it has made, based upon information received in executive sessions, should be brought before the American public—not to overemphasize or to underplay but to state clearly and concisely with due regard for the protection of intelligence sources where we stand in relation to this emerging threat to our national security.

## COMMITTEE TO INVESTIGATE RIOTS

(Mr. PIRNIE (at the request of Mr. RAILSBACK) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PIRNIE. Mr. Speaker, I have introduced a resolution to establish a select committee of the House for the purpose of conducting a full investigation of the riots which have taken place in several of our metropolitan areas. With the continuation of these outbreaks which are devastating our cities, it is imperative that we make a full and complete inquiry into this entire problem and take whatever steps are necessary to insure that law and order are restored now and maintained in the future.

As I view it, we must be prepared to launch an effort to prevent these occurrences from happening in the months and years ahead. First, we have to deal sternly and expeditiously with the criminal element involved. We cannot permit any individual or any group in our society to be above the law and engage in the wanton destruction of life and property. A clear line of distinction must be drawn between peaceful demonstration and criminal activity. The riots and violence which have plagued Newark, Detroit and the other cities have no kinship with the legitimate civil rights concepts. As the Governor of New Jersey said, "They are a criminal insurrection" and must be dealt with as such.

Lawlessness is not to be excused. No one for any grievance, fancied or real, has the right to shoot up a city or loot its stores. As Paul Hipe wrote in his July 27 column in the Evening Star:

A man who makes a firebomb and throws it through a shop window is not doing it because his grandfather was a slave. A sniper who climbs on top of a building and shoots a fireman is not doing it because he doesn't have a job.

This criminal activity is not, as some would have it, a spontaneous outburst of bitterness over living conditions brought on by the heat of summer. The facts simply do not support this conclusion and I think it is time we faced these facts.

In April, several civil rights leaders, including Martin Luther King, Floyd McKissick, and others predicted which

cities would be hit this summer in interviews for a survey published by U.S. News & World Report. McKissick said:

Cleveland stands out like a sore thumb. Nearly every city in New Jersey is in bad trouble. I'd bet that New Jersey will never get through the summer without trouble. Among other cities, I'd name New York, Detroit, Omaha, Kansas City, St. Louis, especially East St. Louis, Chicago, Gary, Indiana, San Francisco and Oakland, Los Angeles, of course, and also Washington, D.C.

When 70 fires are started almost simultaneously, as was the case in Detroit in its first night of violence, when rebellion-minded leaders have made impassioned pleas to a crowd just hours before a riot breaks out, as happened in Cambridge, Md., when out of nowhere rifles, shotguns, and ammunition appear in the hands of rioters, it is obvious that months of planning and preparation were involved. In fact, the Revolutionary Action Movement—RAM—openly boasts that it trains "urban guerrillas" for sniping and fighting in what it calls the urban jungle.

Based on these statements and others which have appeared in the press, we must recognize that we are not faced with an amateur operation. These elements are advocating a revolution not unlike the type that Chairman Mao has demanded in behalf of worldwide communism. This type of ideology was described recently by Lester McKinney, Washington head of SNCC when he said:

In the minds of the people, history has proved that any meaningful social change has to come through a bloody revolution.

Tirae put it this way in its Essay:

What is alarming about them (riots) is not merely the frustration and bitterness they proclaim, not merely the physical and psychological damage they cause, but also the fact that a few Negro leaders are deliberately trying to justify the riots with a violent and vengeful philosophy.

We cannot permit revolutionaries to walk our streets and burn our cities. Violent overthrow of the Government is still a crime and if these individuals and groups are dedicated to the destruction of our system of laws and to remaking this country in their own form, they should be arrested and prosecuted. I think the Justice Department has been less than effective in this area. It is time for the Attorney General to report to the Congress on his actions and inactions.

We in the House have passed what the press has called the antiriot bill. It has charged that this law will be ineffective, is unconstitutional, merely a measure designed by Congress to ease its own conscience. The truth is none have claimed that it is a cure-all, but a determined effort to give Federal authorities adequate powers and jurisdictions with which to meet this threat. Let those who are critical come forth with a proposal which is superior and I shall certainly support it. It should be remembered that this measure was adopted by the House nearly a year ago as an amendment to the Civil Rights Act of 1966 which failed to pass the other body. Had it been adopted then or at least prior to the heat of this summer, we would have been better equipped to deal with the situation we have today. Therefore, I trust the other body will speed consideration of this bill so that

the Federal law enforcement authorities can begin to arrest the individuals who flee from one State to another after lighting the torch.

It has been estimated that only 3 to 4 percent of the American Negroes have been involved in this rioting. This is probably accurate and is a fact which must be kept in the forefront of our minds when considering solutions to the problem. We cannot let our fears or emotions cloud our responsibility to all Americans irrespective of color, who deplore violence, who do not loot or burn, who love their country, and who serve and die in war for it.

All people deserve first-class citizenship and we must do all in our power to provide it. Those who argue that Negroes are not presently disadvantaged simply do not have the facts. A Negro child born today as compared with a white child has about half the chance to complete high school, one third the chance to complete college or become a professional man, twice the chance of becoming unemployed, one-seventh the chance of earning \$10,000 a year, and also a life expectancy which is 7 years shorter.

This is a situation which must be improved. However, progress has been and is continuing to be made. A majority of our schools are now integrated and Negroes are now able to vote in all elections due to the Voting Rights Act of 1965. Housing has been provided for low-income families.

Despite this progress and the programs which we have supported, property has been destroyed and the force of violence has replaced the rule of law. We are confronted not with an atmosphere of discontent, but with an organized rebellion which threatens all law-abiding citizens and our very existence as a democracy. It is led by those who would replace our system of laws with a government alien to our way of life and it is time we recognized this for what it is—open insurrection.

The law enforcement machinery of every segment of government should be marshaled to protect our citizenry and preserve our society. Those who openly advocate wanton acts should be severely punished. We must make a full investigation to discover any connection between these acts and a foreign conspiracy. It is a time for straight thinking and courageous action.

(Mr. SKUBITZ (at the request of Mr. RAILSBACK) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

[Mr. SKUBITZ' remarks will appear hereafter in the Appendix.]

## TRAGIC PERIOD IN OUR NATION'S HISTORY

(Mr. BROTHMAN (at the request of Mr. RAILSBACK) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)